

**BUREAU OF SECURITY AND INVESTIGATIVE SERVICES**

2420 Del Paso Road, Suite 270
Sacramento, CA 95834
(916) 575-7054
www.bsis.ca.gov

BSIS Advisory Committee Meeting Minutes

Meeting Date: Wednesday, February 7, 2007

Location: Riverside, California

BSIS Advisory Group Members in Attendance:

James C. Diaz, California Institute for Professional Investigators (CIPI)
Joe Valenzuela, Captain, Sacramento Police Department
Steve Leibrock, Captain, Sacramento County Sheriff's Office
Tina Medich, California Department of Justice (DOJ)
Steve Reed, Public Member
Rodney Pierini, Public Member
Jon Sargent, California Alarm Association (CAA)
Jimmy Hunt, California Association of Licensed Repossessors (CALR)
Mark Miller, Calif. Assn. of Licensed Security Agencies, Guards & Associates (CALSAGA)
John Brueggeman, California Locksmith Association (CLA)
Nick Savala, California Association of Licensed Investigators (CALI)
Stephen Marvin, Southern California Security Association (SCSA)
Steven J. Wachtel, Professional Investigators of California (PICA)

Department of Consumer Affairs, Executive Staff

Patricia Harris, Deputy Director, Bureau Relations

BSIS Staff in Attendance:

Paul M. Johnson, Chief
Rick Fong, Deputy Chief
Dana Winterrowd, BSIS Legal Advisor
Rolando Taea, Outreach Coordinator (Analyst)
Noreene DeKoning, Analyst
Donna Jacobsen, Analyst
Inez Cortez, Analyst
Stefanie Melendez, Office Technician

Welcoming Remarks and Introductions:

Paul Johnson, Chief of the Bureau of Security and Investigative Services, called the meeting to order at 9:30 a.m. The Pledge of Allegiance was given and roll was called. Chief Johnson gave an overview of the Bureau's recent activities regarding outreach and enforcement operations. He announced that the Bureau has been allotted 20 new positions for the implementation of the proprietary private security officer program and 2.5 positions for the private investigator enforcement program. Committee members and bureau staff introduced

themselves. Chief Johnson introduced the Bureau's Legal Advisor, Dana Winterrowd, and Department of Consumer Affairs Deputy Director, Patricia Harris.

Deputy Director's Remarks:

The Deputy Director Patricia Harris greeted and thanked the members of the Advisory Committee and the public for their attendance at the meeting. She congratulated Chief Johnson and Deputy Chief Rick Fong for their accomplishments in regard to the new program BSIS is implementing and their increased BSIS enforcement activities. She also noted the good working relationship she observed between the various industry associations and the Bureau.

Advisory Committee Overview and Discussion:

James C. Diaz, Chairman of the Advisory Committee, addressed the committee and the public. He emphasized that the mission of the Advisory Committee is to advise the Bureau -- it is not a mandated committee. He informed the attendees about the new notices on the Bureau's web site which lists all of BSIS's public hearings, including the Disciplinary Review Committee (DRC) hearings. The Bureau's web site is under review and a new format will soon be in place.

Joe Valenzuela, Vice Chairman of the Advisory Committee, has been working with Mr. Diaz and the Chief and Deputy Chief on a "Goals and Mission Statement" for the Advisory Committee. A rough draft of the Statement was provided to the committee members for review and comment. Steve Leibrock suggested adding the words "consumer protection to the public" to the statement and to make a correction from "advice" to "advise." The committee requested that a final draft be provided with the above addition and correction for final approval.

The Chief is working with District Attorney's Offices and law enforcement agencies across the State regarding enforcement issues. BSIS is currently putting together a pocket guide for law enforcement regarding BSIS licensees and registrants. Joe Valenzuela offered to assist the Bureau with the new pocket guide. Rodney Pierini noted that this would be very helpful to law enforcement. The Bureau is also working on two other publications.

The Chief and Deputy Chief recently attended a Law Enforcement and Private Security (LEAPS) Conference in Southern California and witnessed the positive interaction between law enforcement and private security. Steve Leibrock and Rodney Pierini both concurred that a LEAPS Conference in Northern California might be helpful in bringing private security and law enforcement together.

Steve Reed (Macerich Management Company "Mall Security"), Public Member, stated that the security industry that provides security services to malls across the nation (proprietary and contract) are looking at upgrading their training requirements. He said they have come up with a more intensive training program geared towards the recognition of terrorist activity in a mall atmosphere. He is required by his company to meet with all law enforcement entities whose jurisdiction they fall under. The main purpose of this requirement is to network and encourage good working relationships with their company and local law enforcement. His company is also expanding the terrorism awareness course from four hours to 12 hours.

Mark Miller, CALSAGA, stated that California has one of the most stringent requirements for background checks in the nation. California and the Bureau are models for the security industry in other states. He noted that BSIS, along with the National Guard and POST, worked together to author the Terrorism Awareness, Weapons of Mass Destruction Manual (WMD), CD, and DVD. California is considered a leader in professionalizing the security industry. Some of the larger companies are trying to raise the pay and benefit scales for security employees in California.

Chief Paul Johnson noted that BSIS hosted the International Association of Security and Investigative Regulator's (IASIR) annual conference in Sacramento in October 2005. Background checks are considered essential in the security industry. Some states still do not require a background check.

Tina Medich, DOJ, stated that DOJ performs 1.6 million criminal history checks each year. Three percent of those are from BSIS. DOJ has received an increase in the number of fingerprints in the last year from BSIS. DOJ is bound by law to only report correct information to the requesting agency. Therefore, the delay notification is sometimes the answer the Bureau receives from DOJ. DOJ relies on the information that is input into their system by the arresting agency and the courts of adjudication. 72% of the criminal history background requests are responded to in 1 to 3 days. 26% to 28% of the background checks result in a delay of seven days or more. DOJ is continually working to improve their response time frames. DOJ also provides the Bureau with subsequent arrest reports on its licensees. The question was asked, who determines if the crime is deniable or not. Tina responded, "DOJ only reports the criminal history to the Bureau - it does not make that decision." The Bureau determines if the conviction is substantially related to their respective industry. The Bureau makes the decision to issue or deny except in the case of exposed weapon permits. The DOJ Firearms Unit makes that decision.

Public Comments

Rick Siviras spoke for the Public Safety Training Association (PSTA). His concern was the credibility of answers he has received from the Bureau. He stated that he has often received different answers to his questions (via the phone). Bureau staff responded that if this should happen in the future, he should contact a supervisor. This way the Bureau can correct any misinformation and make sure he has the correct answer.

Andrew Clark, a representative from Wackenhut Security, asked if California has any laws that allow reciprocity of guards licensed in another state to work in California during a public disaster. Chief Johnson responded that there is nothing in the current law that allows reciprocity regarding security guards. However, the governor has the ability to issue an executive order to cover this during a disaster. Steve Leibrock suggested that the Advisory Committee form a subcommittee to address this issue.

Dennis Mc Dade, from Public Safety Training Association (PSTA), took this opportunity to thank the Bureau for its assistance in the past.

John Rose, of the Hilton Hotel Association, asked if the Bureau had received the 20 new positions. Chief Johnson responded that the Bureau is in the process of filling those positions; most of the positions will be in the licensing unit to facilitate the processing of applications for the Proprietary Private Security Officer.

Committee Member Updates

John Bruggeman, California Locksmiths Association (CLA), brought the Bureau's attention a new law that had passed (SB 1542, Senator Migden). It would require automobile dealerships to provide access to the key codes on new cars to licensed locksmiths. The key codes have been considered a high security issue with the dealerships. They will now be available to anyone for a fee of \$100 and completion of a background check.

The CLA would also like to see their laws updated, especially in regard to fines and enforcement abilities. Brueggeman noted the recent unlicensed and fraudulent activities that have occurred in the Bay Area. The San Francisco District Attorney is prosecuting the case. Brueggeman stated that the CLA would like to see the fine for unlicensed activity raised from the current \$1,000 fine to a \$10,000 fine. Chief Johnson told him that if the CLA would like to see changes made in their laws they need to put together a proposal to make the changes and present it to their legislative representatives. Brueggeman also stated that the CLA would like to see more action taken by the Bureau regarding unlicensed activity.

Nick Savala, California Association of Licensed Investigators (CALI), voiced CALI's concern regarding new laws for the use of pretexting by private investigators (PIs). CALI was able to lobby regarding SB 1666, authored by Senator Debra Bowen which addresses the use of pretexting of all types. It was set aside for another year. Senator Simitian has introduced a new Bill SB 202 addresses the use of pretexting. The PI's are trying to get an exemption regarding their use of pretexting into the draft of the new Bill. This is of prime concern to all licensed private investigators.

Steve Watchel, PICA President, mentioned that PICA is also concerned about the proposed legislation by Senator Bowen regarding the use of pretexting. He stated that his association also has concerns regarding unlicensed activity. PICA would also like to see the PI Act changed to require employees of PI's to be registered. This would give the Bureau a more valid method of verifying experience for PI applicants regarding the 6,000 hours of experience required to take the PI exam.

Jimmy Hunt, CALR Representative, stated that they are working on a new bill which would require repossessionors to report violent acts to legal owners within seven days of an attempted repossession. This would insure that the next client would be aware of a problem with the original attempted repossession. Injuries have occurred in cases where a repossession was attempted and the repossessionor did not know that a previous incident had occurred. CALR is also working with new car dealerships regarding car impounds. He stated that CALR has been very pleased with its interactions with the Bureau.

Jon Sargent, CAA President, stated that they have been working with the Bureau to help mediate complaints regarding monitoring contracts and the rollover clauses. They are taking a very active roll in policing their industry. They continue to work with local municipalities and law enforcement agencies regarding the false alarm issues. So far they have been quite successful in reducing their occurrences. They requested that the Bureau become more active regarding unlicensed activity.

James Diaz, PICA Representative, mirrored CALI and CIPI's concerns regarding the proposed bill to limit pretexting by private investigators. They consider this to be a major concern of the PI industry.

Mark Miller, President of CALSAGA, and an executive of Pinkerton Government Services, stated that their concerns include an efficient and quick time frame for processing initial guard background checks. He also stated that CALSAGA will be proposing two spot bills to the legislature regarding guard classes (types) and reciprocity with other states.

Stephen Marvin, President of CSCA stated that their main focus at this time is on the false alarm issues with local municipalities and law enforcement agencies.

Chief Paul Johnson thanked the committee members for volunteering their services to be members of the Committee. He also thanked them for providing the Bureau with information regarding problems within their specific industries.

He stated that the next Advisory Board Meeting will be held in July or August of 2007.

The Advisory Committee Meeting adjourned at 12:30 p.m.